

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff, : Case No. 3:15-po-285

- vs -

Magistrate Judge Michael R. Merz

SHELESA N. LONG,

Defendant. :

DISMISSAL ORDER

In this case Defendant was issued Citations for numerous traffic offenses in April, 2015 (ECF Nos. 1, 3-11). The Citations were filed with the Court on September 29-30, 2015. *Id.* On October 28, 2015, then-Magistrate Judge Michael J. Newman issued an arrest warrant for Defendant (ECF No. 23), but that warrant has never been returned by United States Marshal Service either executed or unexecuted.

On September 10, 2020, Judge Newman ordered the United States to show cause why this case should not be dismissed for want of prosecution. The Government's Response reads in full:

Now comes the United States, by and through counsel, to respectfully show cause for the continued prosecution of the attached cases. Following the *sua sponte* review and Order to Show Cause by this Honorable Court, the United States conducted a thorough examination of each of the attached cases. Due to the recent date of the allegations, the public safety concerns the offenses create, and/or the severity of the offenses in each and every matter, it is the United States' intention to proceed with the prosecution of these cases. It is therefore the request of the United States that the

Court permit the cases to proceed as docketed and, while it is within the Court's discretion to withdraw the previously issued capias warrants, we respectfully request those remain intact, as well.

(ECF No. 24). On November 13, 2020, Judge Newman took the oath of office as a United States District Judge and Chief Judge Marbley has accordingly transferred this case to the undersigned (ECF No. 25).

As is apparent from its content, the Government's Response is purely pro forma. The allegations, said in the Response to be "recent," are in fact more than five years old. While the United States proclaims its intention to prosecute, it makes no showing of any effort to do so since the citations were issued, including any effort to execute the outstanding arrest warrant. The Court takes judicial notice that Defendant's stated address is less than eight miles from the Walter H. Rice Federal Building and United Courthouse.

The United States has not shown good cause as ordered by Judge Newman. Accordingly, this case is dismissed for want of prosecution and the arrest warrant is quashed.

November 27, 2020.

s/ *Michael R. Merz*
United States Magistrate Judge